

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

**PROPOSED AMENDMENTS TO LOCAL RULES**

**REQUEST FOR COMMENT**  
**PUBLIC COMMENT PERIOD OCTOBER 4 - NOVEMBER 4, 2004**  
**ALL WRITTEN COMMENTS DUE BY CLOSE OF BUSINESS**  
**NOVEMBER 4, 2004**

The United States District Court for the District of New Hampshire proposes the following amendments to the Local Rules to be effective 1/1/05. New matter is underlined; matter to be stricken is crossed out. The \*\*\*\*\* denotes omitted text before and/or after the pertinent rule section.

Input from the public and the bar is encouraged. Any written comments, in letter form and keyed to the specific rule/subsection, should be directed to the Clerk, U.S. District Court, Warren B. Rudman U.S. Courthouse, 55 Pleasant Street, Room 110, Concord, NH 03301-3941.

**CIVIL RULES**

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**9.1 Social Security Cases**

The following procedures shall govern all actions challenging a final decision of the Commissioner of the Social Security Administration filed pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

(a) The defendant shall serve and file its answer, together with a certified copy of the administrative record, within ~~ninety (90)~~ sixty (60) days after service on the Commissioner. If a closed case is reopened, the defendant shall serve and file a certified copy of the administrative record within sixty (60) days after the order reopening the case is issued.

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## **54.2 Assessment of Juror Costs**

All counsel in civil cases are expected to discuss seriously the possibility of settlement within a reasonable time prior to trial. The court may assess against any party or attorney the costs of jury attendance if a case is settled after the jury has been summoned. A jury is considered summoned for trial as of ~~3:00~~ 12:00 p.m. of the business day (exclusive of weekends and holidays) preceding the designated date of trial. Juror costs shall include mileage, fees, and other expenses.

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## **72.2 Response to Objection to Magistrate Judge Order on Nondispositive Matter**

A party may respond to another party's objection to the order of a magistrate judge on a nondispositive matter within ten (10) days after being served with a copy of the objection.

## **73.1 Assignment of Cases to Magistrate Judge**

(a) **Designated Jurisdiction.** The judges of this district designate the magistrate judge to conduct all proceedings in any civil matter upon the consent of the parties.

(b) **Methods of Assignment.**

(1) **Reassignment Following Request of Parties.** Parties may consent to the reassignment of a case to a magistrate judge by filing a Notice, Consent, and Order of Reference form stating that the parties consent to the reassignment. This form should not be returned to the clerk of court unless all parties consent to the reassignment. The clerk shall notify the parties in all cases that they may consent to have the magistrate judge conduct all proceedings in any civil matter.

(2) **Initial Assignment by the Clerk.** The chief judge may authorize the clerk to initially assign cases to the magistrate judge on a random basis.

~~The clerk shall notify the parties in all cases that they may consent to have the magistrate judge conduct all proceedings in any civil matter.~~

(A) **Notification of Initial Assignment.** The clerk shall inform the parties of the initial assignment by issuing a notice of assignment.

(B) **Consent.** A case initially assigned to the magistrate judge pursuant to this subsection shall be reassigned to a district judge unless all parties either affirmatively

consent to the assignment or waive their right to object to the assignment. A party may object to the assignment by filing an objection within twenty (20) days after receiving notice of the initial assignment. The failure of a party to file an objection as required by this rule constitutes a waiver of the party's right to object to the assignment.

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### **83.1 Bar of District Court**

(a) **Eligibility.** Any active member in good standing of the bar of the Supreme Court of New Hampshire is eligible for admission to the bar of this court. The bar of this court shall consist of those attorneys who have previously been admitted to the bar of this court and those who have been admitted pursuant to subsection (b).

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(d) **Reinstatement After Taking Inactive Status or Resigning.** Any attorney who takes inactive status or resigns must reapply for admission as set forth in subsections (a) and (b) before resuming practice in this court.

### **83.6 Appearances**

(a) **By Counsel.**

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(4) **Cases Designated for Electronic Filing.** In cases designated for Electronic Case Filing, multiple attorneys from the same firm may file appearances in the case and their names shall be entered on the docket.

## CRIMINAL RULES

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### 32.1 Guideline Sentencing

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- (d) **Disclosure of Presentence Investigation Report.** No later than thirty-five (35) days prior to the scheduled sentencing date, the probation officer shall disclose the initial presentence investigation report to the ~~government and the defendant.~~ Delivery of the initial presentence report shall be made by mail, in person, or by facsimile transmission. ~~parties.~~ One copy shall be given to counsel for the government. Two copies shall be given to defense counsel, who shall give one copy to the defendant for review. Defense counsel shall ensure that the defendant has timely reviewed and understands the initial presentence report as well as all revisions and addenda.

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## FORMS

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### Civil Form 1, Civil Case Management Deadlines

Amend “Other Civil Case Deadlines” to include LR 72.2, which requires any response to an objection to a nondispositive order of a magistrate judge be filed within ten (10) days after service of the objection.

Other forms may be amended as necessary to reflect certain adopted proposed rule amendments.